

Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
Sent: 7/23/2018 7:46:02 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: FW: Daily Clips, July 23, 2018

From: Penberthy, Tania
Sent: Monday, July 23, 2018 1:45:54 PM (UTC-07:00) Mountain Time (US & Canada)
To: AO OPA OMR CLIPS
Subject: Daily Clips, July 23, 2018

Administrator Scott Pruitt

Daily Beast - John Kelly Signed Off on a 'Purge' of Scott Pruitt Loyalists From EPA

Washington Examiner - EPA Under Pruitt Slashed \$350 Million In Regulations, 300,000 Hours of Red Tape

Auto

Bloomberg - Trump to Seek Repeal of California's Smog-Fighting Power

E&E News - Greens Decry 'Orwellian' New Title for Car-Emissions Rule

Politico - Auto Rule Rollback Could Hinge on Highway Deaths

The Hill - Trump to Propose Blocking California's Clean Car Standards: Report

WTTW - Illinois Sues EPA Over Pruitt's Loophole for 'Super Polluting' Trucks

Biofuel

Reuters - EPA Wrongly Denied Biofuel Waiver For West Virginia Refinery: Court

Clean Up Sites

E&E News - Officials to Test Navajo Wells Leaking for Years

WTHR - EPA Calls for Sampling Plan for Franklin Industrial Site

Coal Ash

CNN - With EPA Rule Change, Worries Linger for Those Near Coal Ash Ponds

Energy News - Georgia Next in Line for EPA Approval on State Coal Ash Permit Program

Times - EPA Rollback of Coal Ash Regulations Could Significantly Impact Little Blue Run

EPA Spending Bill

Water Finance and Management - House Approves EPA Spending Bill

Ozone

Tri-City Herald - Ozone Pollution Alerts May Be the New Normal for Tri-Cities. One Starts Sunday

Wastewater

Kallanish Energy - EPA, New Mexico to Look at Drilling Wastewater Re-use

Administrator Scott Pruitt

Daily Beast

John Kelly Signed Off on a 'Purge' of Scott Pruitt Loyalists From EPA

https://www.thedailybeast.com/john-kelly-signed-off-on-a-purge-of-scott-pruitt-loyalists-from-epa?wpisrc=nl_energy202&wppmm=1

Posted: July 22nd, 2018 @ 8:35pm By: Lachlan Markay and Asawin Suebsaeng

The Trump White House has moved quickly to force out a trio of staffers loyal to former scandal-plagued Environmental Protection Agency chief Scott Pruitt, according to multiple sources familiar with the situation.

One administration source described it as a “purge” of Pruitt loyalists that was orchestrated by a White House staff that had, for months, clashed with the ex-administrator and his team over ethical lapses and lavish personal spending and travel.

According to sources with knowledge of the situation, Chief of Staff John Kelly gave the greenlight to the efforts to remove the three officials after Pruitt’s resignation from the EPA this month. Kelly, along with other senior aides to President Donald Trump, campaigned for months for Pruitt’s firing. As The Daily Beast reported in early April, Kelly had a tense phone call with Pruitt, telling the now-former EPA chief that the torrent of scandals needed to stop.

At least one of the axed Pruitt aides, spokesman Lincoln Ferguson, had planned to leave the EPA prior to Pruitt’s departure. But the White House Presidential Personnel Office, overseen by senior Trump aide Johnny DeStefano, expedited his resignation.

Senior EPA communications adviser Jahan Wilcox, who frequently clashed with the press and served as a top enforcer for his chronically embattled former boss, was also asked to tender his resignation at PPO’s request. Hayley Ford, the EPA’s deputy White House liaison, was also pushed out this month following Pruitt’s ouster.

In their time working at Pruitt’s side, Ford and Wilcox had gained a reputation within the West Wing as people who absolutely “had to go” once Pruitt finally left the Trump administration, a White House source said. Another official familiar with the post-Pruitt “purge” added that Ford had been “escorted out” of the federal agency after she was axed.

There is often staff turnover at agencies when new leadership takes over. But the changes at the EPA were rooted in long-simmering tensions inside the administration. Under Pruitt, the EPA clashed repeatedly with the White House, with a number of agency officials resisting official White House requests, such as demands that Pruitt turn over copies of official travel records amid a probe into the administrator’s spending on chartered and first-class airfare.

Officials at both the White House and the EPA hope to move past an era racked by controversy, press scrutiny, and numerous investigations into the conduct of the agency's chief. The removal of the three EPA officials was seen by one source as an effort to infuse new blood into the agency now led by Acting Administrator Andrew Wheeler.

White House spokespeople did not respond to multiple requests for comment. The EPA declined comment on this story.

Washington Examiner

EPA Under Pruitt Slashed \$350 Million In Regulations, 300,000 Hours Of Red Tape

<https://www.washingtonexaminer.com/washington-secrets/epa-under-pruitt-slashed-350-million-in-regulations-300-000-hours-of-red-tape>

Posted: July 23rd, 2018 @ 11:31am By: Paul Bedard

The Environmental Protection Agency under former Administrator Scott Pruitt led the administration's successful war on regulations, slashing enough to produce \$350 million in savings and eliminate 300,000 hours of paperwork.

A new report on the agency's efforts found that the EPA "was a net deregulatory agency," and a highlight of President Trump's effort to eliminate many Obama-era regulations.

What's more, the American Action Forum report found that Pruitt set in place an anti-regulatory mindset that should keep the EPA at the leading edge of deregulation under Trump.

The report is the first to look at the impact of Pruitt, who resigned July 5 after battling a string of controversies involving his leadership.

"While he received a lot of attention for his personal actions, Scott Pruitt's tenure at EPA moved the agency in a very different direction substantively than under the previous administration," said the report compiled by Dan Goldbeck, a senior research analyst for regulatory policy at the American Action Forum.

During his time at EPA, Pruitt was backed by Trump because of his deregulation efforts.

In the report, provided to Secrets, Goldbeck cited these highlights:

- Final rules from the agency produced nearly \$350 million in cost savings and cut more than 300,000 hours of paperwork burdens.
- In addition to specific rulemaking actions, Pruitt established the framework for a substantial shift in EPA's mission and practices. The most notable changes included: narrowing the agency's regulatory scope, reforming the practice of "sue and settle," and re-examining the data and analytical processes used to justify rulemakings.
- While EPA's leadership will change, the Pruitt-era policy changes will almost certainly continue. The agency is on track to exceed its deregulatory target for this year, and it is only a matter of time before its most high-profile deregulatory measures (e.g. Clean Power Plan Repeal and adjusted fuel efficiency standards) wind their way through the rulemaking process.

"The fact that EPA was a net cost-cutter during his tenure is significant," said the report.

Goldbeck lists specific changes that led to the savings, but also emphasized the impact of Pruitt's war on how the agency's pro-regulation culture has changed.

"Pruitt's tenure at EPA marked a dramatic shift in the agency's underlying mission and culture – perhaps more so than under any other member of President Trump's cabinet," he said.

Auto

Bloomberg

Trump to Seek Repeal of California's Smog-Fighting Power

<https://www.bloomberg.com/news/articles/2018-07-23/trump-is-said-to-seek-repeal-of-california-s-smog-fighting-power>

Posted: July 23rd, 2018 @ 12:07pm By: Ryan Beene , Jennifer A Dlouhy , John Lippert , and Ari Natter

The Trump administration will seek to revoke California's authority to regulate automobile greenhouse gas emissions -- including its mandate for electric car sales -- in a proposed revision of Obama-era standards, according to three people familiar with the plan.

The proposal, expected to be released this week, amounts to a frontal assault on one of former President Barack Obama's signature regulatory programs to curb greenhouse gas emissions that contribute to climate change. It also sets up a high-stakes battle over California's unique ability to combat air pollution and, if finalized, is sure to set off a protracted courtroom battle.

The proposed revamp would also put the brakes on federal rules to boost fuel efficiency into the next decade, said the people, who asked to not be identified discussing the proposals before they are public. Instead it will cap federal fuel economy requirements at the 2020 level, which under federal law must be at least a 35-mile-per-gallon fleet average, rather than letting them rise to roughly 50 mpg by 2025 as envisioned in the plan left behind by Obama, according to the people.

As part of the effort, the U.S. Environmental Protection Agency will propose revoking the Clean Air Act waiver granted to California that has allowed the state to regulate carbon emissions from vehicle tailpipes and force carmakers to sell electric vehicles in the state in higher numbers, according to three people familiar with the plan.

The U.S. National Highway Traffic Safety Administration will likewise assert that California is barred from regulating greenhouse gas emissions from autos under the 1975 law that established the first federal fuel-efficiency requirements, the people said.

The proposal is still in the final stages of a broad interagency review led by President Donald Trump's Office of Management and Budget, but these major elements of the plan were not expected to change, the people said.

Messages seeking comment from OMB, NHTSA and the EPA were not immediately returned. California Air Resources Board head Mary Nichols declined to comment. Once the agencies formally unveil the proposal, the public will have a chance to weigh in, with those comments used to develop a final rule that could be implemented as soon as the end of the year.

Although the proposal will outline other options, the administration will put its weight behind the dramatic overhaul, including the revocation of California's cherished authority, the people said.

The state's 2009 waiver under the Clean Air Act has allowed California to set emissions rules for cars and trucks that are more stringent than the federal government's. But the state has aligned its rules with those set by the EPA and NHTSA in a so-called national program of clean-car rules. Negotiations toward another set of harmonized rules has not yet yielded agreement.

If Trump's plan sticks, it could be his biggest regulatory rollback yet. Agencies are expected to claim it will reduce traffic fatalities by making it cheaper for drivers to replace older, less-safe cars, while paring sticker prices for new vehicles even if motorists have to spend more for gasoline.

California, for its part, rejects the idea that its 48-year ability to write its own tailpipe emission rules should end. "We have the law on our side, as well as the people of the country and the people of the world," said Dan Sperling, a member of the state's Air Resources Board said.

The most-populous U.S. state and 16 others plus the District of Columbia filed a lawsuit on May 2 seeking to block the Trump administration's effort to unravel the Obama-era emissions targets. Sperling said that number will grow as more and more people come to realize how fundamentally Trump is attacking the idea of states' rights.

Caught somewhere in the middle are automakers, which in recent months have stressed they would not support freezing the federal targets and want Washington and Sacramento to continue linking their vehicle efficiency goals. While they spent the first year of the Trump administration attacking Obama's rules as too costly, they fear the regulatory uncertainty that a years-long court battle over a rollback would create. In addition, other major auto markets such as China and Europe are pressing forward with tougher mandates of their own for cleaner cars.

"This is nothing less than an outrageous attack on public health and states' rights," said Frank O'Donnell, president of Clean Air Watch. "It's a dumb move for an administration that claims it wants peace, because this will lead to an emissions war: progressive states versus a reactionary federal government. The big question: who will the car companies back?"

Some conservatives have long chafed at the rare authority granted California and welcome the effort to revoke.

"Congress didn't intend for California to set national fuel economy standards," said Steve Milloy, a policy adviser for the Heartland Institute, a group critical of climate science. "It's nutty it's been allowed to develop. National fuel economy standards are set by the federal government so that's what we are going to do."

E&E News

Greens Decry 'Orwellian' New Title for Car-Emissions Rule

<https://www.eenews.net/greenwire/stories/1060090065>

Posted: July 23rd, 2018 By: Maxine Joselow, E&E News reporter

The White House Office of Management and Budget has tweaked the title of EPA's proposed rollback of Obama-era clean car rules, placing a greater emphasis on safety and cost.

The proposal is now titled "The Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule" for model years 2021 to 2026, according to the Reginfo.gov online regulations repository.

Previously, it was called "2021-2026 Model Year Corporate Average Fuel Economy Standards and Light-Duty Vehicle Greenhouse Gas Emissions Standards."

The change signals the proposal's impending release. EPA is expected to formally announce it sometime this week, said an agency official (E&E News PM, July 19).

The change also suggests EPA may seek to justify the rollback by arguing it will increase safety on the roads and save consumers money.

With regard to safety, nearly 40,000 people die on the nation's highways each year, according to the National Highway Traffic Safety Administration. EPA may argue that increases in fuel efficiency are often achieved by downsizing and lightweighting, which lead to less safe vehicles.

With regard to cost, a new light-duty vehicle has an average price tag of \$36,270, according to Kelley Blue Book, a California-based automotive research company. EPA may argue increases in fuel efficiency can raise the up-front cost of a new car.

Former EPA Administrator Scott Pruitt previously mentioned cost as a primary concern in his April announcement about revising the standards (Greenwire, April 3).

Paul Billings, senior vice president for advocacy at the American Lung Association, called the new title "Orwellian."

"It's an attempt to create some sort of narrative that cars are unsafe and this is going to make cars more safe, which is absurd," Billings said.

While EPA may claim the Obama-era rules lead to higher costs for consumers, "more fuel-efficient cars pay for that initial investment very quickly, particularly at today's gas prices," he said.

In addition to tweaking the proposal's title, OMB also listed several meetings about the rollback among interested advocates, EPA and the Department of Transportation.

Attendees listed represent both industry and environmental interests, including the Alliance of Automobile Manufacturers, the Manufacturers of Emission Controls Association, Environment America and the National Association of Clean Air Agencies.

EPA didn't respond to a request for comment seeking details on the proposal's release.

Transportation Department spokesman Andy Post said in an email, "We will keep you posted as we get closer." He declined to provide further details.

Politico

Auto Rule Rollback Could Hinge on Highway Deaths

<https://www.politico.com/newsletters/morning-energy/2018/07/23/auto-rule-rollback-could-hinge-on-highway-deaths-293797>

Posted: July 23rd, 2018 @ 10:00am By: Kelsey Tamborrino

The Transportation Department and EPA are gearing up to release a proposal rolling back Obama-era rules requiring significant gains in car fuel efficiency as soon as this week — and the Trump administration appears ready to argue that less efficient cars are safer for human lives.

Newly posted OMB meeting records show for the first time that the EPA version is called the “Safer and Affordable Fuel Efficient (SAFE) Vehicles Rule.” (The rulemaking previously had a more generic name.) Former Administrator Scott Pruitt made it clear in April when he announced plans to roll back EPA’s greenhouse gas standards that lowering the up-front costs of new vehicles was a major concern, in part because he said higher prices could motivate consumers to continue driving older, dirtier cars.

But the safety reference in the rule’s name is a new and apparently key feature of the rollback. The debate over whether increases in fuel efficiency — which are often driven by downsizing and lightweighting — mean that those vehicles are less safe has been raging for about as long as fuel economy standards have existed. The forthcoming proposal is expected to analyze whether lowering the fuel efficiency targets means fewer traffic fatalities — potentially more than 1,000 of the nearly 40,000 annual highway deaths in the U.S., according to sources familiar with a draft that circulated earlier this year. It is not clear whether the proposal will factor in the costs related to increased air pollution associated with rolling back the standards, but the Trump administration has already been relying on much lower figures to estimate the cost effects of climate change in rolling back other Obama-era rules. Advocates of lower efficiency note that traffic deaths per capita and per miles driven have decreased significantly since fuel economy standards were first created by Congress in the 1970s.

The Hill

Trump to Propose Blocking California’s Clean Car Standards: Report

<http://thehill.com/policy/energy-environment/398372-trump-admin-to-propose-blocking-californias-clean-car-standards>

Posted: July 23rd, 2018 @ 12:38pm By: Timothy Cama

The Trump administration is planning a proposal to block California regulators from enforcing their own emissions standards for vehicles sold in the state.

Bloomberg News reported Monday that the proposal will be part of a regulation the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) will jointly propose in the coming days to freeze or reduce federal greenhouse gas emissions and fuel efficiency rules for cars.

The proposal would set up a battle with California over whether the Clean Air Act allows its decades-long aggressive crackdown on car emissions. The fight is almost certain to go to court if the administration pursues it.

The rules have become part of California’s environmental identity, as well as part of its efforts to clean the air in Los Angeles and other heavily polluted areas.

The Obama administration permitted California to set its own greenhouse gas emissions for cars in 2009, giving it a waiver under the Clean Air Act. Numerous other states now follow California’s standards.

Under Obama, the EPA and NHTSA decided to negotiate with California so that the country retains one nationwide standard, even though California had the authority to institute its own.

Separately, the Golden State uses its waiver to require car companies to sell a certain amount of electric vehicles in the state. That authority would also be revoked with the Trump administration's action.

The EPA and NHTSA revealed in a regulatory notice Friday that its upcoming proposal to reduce vehicle efficiency and emissions standards will be dubbed the "Safer and Affordable Fuel Efficient Vehicles Rule," indicating that administration officials will likely argue that stricter standards would compromise safety.

Then-EPA head Scott Pruitt formally declared in April that the Obama plan to make emissions and efficiency standards stricter through 2026 is not appropriate. It was the first step toward potentially rolling the standards back.

The agencies are expected in the coming days to float a proposal with a handful of ideas, including various levels of looser rules through 2026 and freezing the standards in 2020 with no additional ramping up.

WTTW

Illinois Sues EPA Over Pruitt's Loophole for 'Super Polluting' Trucks

<https://chicagotonight.wttw.com/2018/07/23/illinois-sues-epa-over-pruitt-s-loophole-super-polluting-trucks>

Posted: July 23rd, 2018 @ 2:08pm By: Alex Ruppenthal

Illinois Attorney General Lisa Madigan is suing the U.S. Environmental Protection Agency – again.

Last week, Madigan joined her counterparts in more than a dozen states in filing suit against the agency, this time over an order issued by former EPA Administrator Scott Pruitt on his final day in office that suspends a 2016 rule limiting the number of highly polluting trucks on the nation's roads.

Pruitt resigned earlier this month after facing months of pressure over scandals related to his travel spending, security costs, influence from industry lobbyists and other issues.

On July 6, Pruitt's final day in office, the EPA announced that it would not be enforcing its own rule intended to reduce pollution caused by trucks. The rule applies to so-called gliders, which are new, heavy-duty truck bodies outfitted with refurbished or rebuilt engines from before 2010 that produce large quantities of pollution.

The 2016 Glider Rule, as it is known, mandates that most engines installed in gliders meet the same emissions standards applicable to newly manufactured engines, which create significantly less pollution. It also caps the number of gliders a company can manufacture each year at 300.

The rule is meant to limit the excessive amounts of smog and lung-damaging particulate matter emitted by outdated truck engines, which have been described as "super polluting."

"If left unchallenged, this outrageous special interest giveaway will cause widespread harm to the environment," Madigan said in a statement on Friday. "Allowing these highly polluting trucks to circumvent necessary clean air safeguards is unlawful."

Madigan has already taken a number of legal actions against the Trump administration's EPA, including over its regulation of harmful landfill emissions and proposed rollbacks of various air quality standards.

According to Madigan's office and media reports, Pruitt's move will allow the sale of trucks that produce up to 55 times as much air pollution as trucks outfitted with modern emissions systems. Emissions from the highly polluting trucks are linked to asthma, low birth weight, infant mortality and lung cancer, according to Madigan's office.

Several environmental groups have filed a separate lawsuit against the EPA over the same issue. Last week, a circuit court of appeals ruled in favor of the groups, granting an administrative stay that places a temporary hold on Pruitt's order.

Madigan and attorneys general in 14 other states filed their own lawsuit because of the irreparable harm that residents in their states would suffer if the order is allowed to stand, according to Madigan's office.

Environmental regulators in California, Minnesota and Pennsylvania are also part of the coalition suing the EPA.

Biofuel

Reuters

EPA Wrongly Denied Biofuel Waiver For West Virginia Refinery: Court

<https://www.reuters.com/article/us-usa-biofuel-epa/epa-wrongly-denied-biofuel-waiver-for-west-virginia-refinery-court-idUSKBN1KA2G7>

Posted: July 20th, 2018 @ 1:17pm By: Jarrett Renshaw

(Reuters) - The U.S. Environmental Protection Agency must reconsider its denial of small West Virginia refinery Ergon's application for an exemption from U.S. biofuel laws after it relied on an "error-riddled" analysis, an appeals court ruled on Friday.

The EPA relied on a recommendation from the Department of Energy that, among other things, failed to take into account that Ergon produced high levels of diesel that may not easily be blended and sold into the local market, according to the 4th U.S. Circuit Court of Appeals in Maryland.

The decision will likely bolster supporters of the EPA's expansion of the small refinery waiver program under President Donald Trump, many of whom argue that President Barack Obama's EPA had been too stingy with exemptions.

The biofuel industry, meanwhile, has criticized the expansion of the program under Trump, saying it undercuts the U.S. Renewable Fuel Standard (RFS).

The RFS requires refiners to blend biofuels like ethanol into the fuel pool or buy compliance credits from those who do - a measure aimed at helping corn farmers and cutting foreign imports of petroleum. But refineries up to 75,000 barrels per day can seek exemptions from the law each year if they can prove compliance would cause them financial hardship.

Ergon operates a small refinery (23,500 barrels per day) in Newell, West Virginia that produces specialty lube oils and diesel.

“We are pleased to see the 4th Circuit Court ruling which recognizes the significant and disproportionate hardship that RFS places on small refineries,” said Ergon-West Virginia Inc President Kris Patrick.

The EPA did not immediately respond to requests for comment.

Former EPA administrator Scott Pruitt, who resigned earlier this month following a slew of ethics controversies, oversaw a surge in small refinery waivers.

The EPA put out data last week that said it granted 48 such waivers for the years 2016 and 2017, representing some 2.25 billion gallons of biofuels.

The EPA is required to consult with the Department of Energy on the applications. Under Pruitt, the EPA consistently ignored recommendations from the Energy Department to reject or limit waivers to oil refiners seeking exemptions from biofuels laws.

The panel of appellate judges ruled that the DOE’s analysis was flawed because it did not take into the account the regional market for biodiesel and also separated the plant’s lube oil production in part of application and included in other areas.

“Although the EPA is statutorily required to consider the DOE’s recommendation, it may not turn a blind eye to errors and omissions apparent on the face of the report, which Ergon pointed out and the EPA did not address in any meaningful way,” the judges wrote.

In a previous case, the 10th Circuit Court overturned the EPA’s denial of Sinclair Oil’s exemption applications last year, arguing the agency was using too narrow of a test when evaluating the applications. The EPA remedied the reversal by granting Sinclair 2018 compliance credits related to its 2014 and 2015 obligations.

Clean Up Sites

E&E News

Officials to Test Navajo Wells Leaking for Years

<https://www.eenews.net/energywire/2018/07/23/stories/1060089965>

Posted: July 23rd, 2018 By: Mike Soraghan, E&E News reporter

Federal and tribal officials later this month plan to start testing 48 oil and gas wells on Navajo Nation lands in the Four Corners region that appear to have been leaking for years.

EPA says it will deploy teams with counterparts from the Navajo Nation to sample discharges from the wells, said Margot Perez-Sullivan, a spokeswoman with EPA's Region 9 office.

"This sampling effort will help us determine if there are any constituents of concern and help develop next steps," Perez-Sullivan said.

EPA said the New Mexico Department of Energy, Minerals and Natural Resources alerted the agency to one of the wells, called the Foshay well. State officials were concerned about discharges flowing onto state lands.

The agency then worked with Navajo Nation officials to identify other wells with similar characteristics, Perez-Sullivan said. Attempts to reach Navajo Nation environmental officials were unsuccessful.

Staff of the environmental group Earthworks visited two of the sites, said Bruce Baizel, director of the group's energy program. One was spraying water, and another appeared to be a long-standing oil spill.

Soil samples they took found barium, a primary ingredient in drilling mud, at both sites, according to an analysis done by Wilma Subra, a chemist and technical consultant for environmental groups. High levels of volatile organic compounds were found in one of the two samples.

Records indicate that the issue with the Foshay well began in the 1970s and has continued for decades.

The Foshay well, located near a parking access for the Bureau of Land Management's Bisti/De-Na-Zin Wilderness Area, was drilled in 1971 by the Delaware Apache Corp. as a wildcat well. Interior Department documents in a state online file indicate it was a dry hole. In 1974, it was plugged back by another operator, converted to a water well and turned over to BLM.

In the late 1990s, state inspectors found water flowing from the well into a ditch and onto state lands, according to a 1999 letter from the assistant manager of the BLM district to Navajo Nation officials. He said the "uncontrolled flow" of water was killing native plants and causing salt to accumulate. But the letter also noted that water from the well was an important water source for livestock and some wildlife in the area.

The letter said the well was on Navajo land and asked the nation to develop a plan to control the flow of water. Nothing in the online file indicates what happened with the well after that.

WTHR

EPA Calls For Sampling Plan For Franklin Industrial Site

<https://www.wthr.com/article/epa-calls-sampling-plan-franklin-industrial-site>

Posted: July 21st, 2018 @ 7:46pm (undated July 23rd, 2018 @ 6:29am) By: Sandra Chapman

FRANKLIN, Ind. (WTHR) – The U.S. EPA is providing more specifics about its request for sampling at the Franklin industrial site where a New Jersey Environmental not-for-profit says it discovered dangerous chemicals seeping into homes.

The information comes after Franklin Mayor, Steve Barnett put out a statement saying the Indiana Department of Environmental Management could not confirm the veracity of the test results released by the Edison Wetlands Association. Barnett's letter also indicated the EPA shared that response.

Last Thursday, just three days after 13 Investigates broke the story about the testing, EPA told WTHR, it was concerned about the results and was "working with Amphenol Corp to conduct additional testing to investigate possible vapor intrusion pathways." The agency is not backing off that stance, and provided more clarification about its course of action by responding to a series of questions from 13 Investigates.

Is EPA concerned that toxins have shown up in testing results and could Amphenol be the source?

EPA Response: "EPA has directed Amphenol to develop a site-wide sampling plan to determine if VOC's (volatile organic compounds) are present in soil, soil vapor or groundwater at the site. EPA will address any issues found as a result of the on-site sampling."

Does EPA take issue with the testing results?

EPA Response: "EPA appreciates the initiative taken by the Edison Wetlands Association. However, as this sampling of homes was not a sampling event undertaken with EPA oversight of sampling and analytical method used, EPA is not able to determine the usability of the data. (Example: Reported Radon sampling results are intended to show that it is possible for vapors to enter homes from the subsurface and not to claim a connection between radon and nearby industrial sites. Radon is naturally occurring in many places) The Edison Wetlands Association has not provided the addresses of the homes that were sampled to the EPA. EPA intends to use data from the upcoming sampling by Amphenol to determine if the Amphenol site is impacting areas outside its site boundaries. EPA will rely on the data from its own work to make decisions about appropriate next steps."

Will EPA mandate that Amphenol Corp conduct more testing?

EPA Response: "EPA under its regulatory authority, is working with the Amphenol Corporation to investigate the potential for a vapor intrusion pathway between the facility and the adjacent residential area. Sampling of soil, soil vapors and groundwater will proceed under EPA oversight. Under EPA oversight, Amphenol will also measure the ambient air around its facility and the VOC emissions from its ground water pump-and-treat system. Based on current information, the treatment system emission levels are very low. (below any level requiring IDEM to require an air permit) Nonetheless, EPA will obtain and analyze refreshed data and will share the results with the community when available."

The agency also told 13 Investigators that a site manager will be in Franklin for the testing and a site inspection in August.

Stacie Davidson co-founder of the group "If It Was Your Child" confirmed names and addresses of the homes sampled were not provided by Edison Wetlands due to privacy agreements with the homeowners who wanted to keep their identifying information confidential.

Coal Ash

CNN

With EPA Rule Change, Worries Linger For Those Near Coal Ash Ponds

<https://www.cnn.com/2018/07/21/health/epa-coal-ash-reaction/index.html>

Posted: July 21st, 2018 @ 12:39pm By: Nadia Kounang

(CNN) In March 2017, coal mogul Bob Murray came to the Washington headquarters of the US Department of Energy for a meeting with Secretary Rick Perry. Also at the table was Andrew Wheeler, who this month became acting head of the Environmental Protection Agency.

Wheeler had helped organize the meeting as a lobbyist for the firm Faegre Baker Daniels, where Murray Energy was one of four energy clients he represented. The Murray team's agenda that day: a four-page action plan "for achieving reliable and low cost electricity in America and to assist in the survival of our Country's coal industry."

Murray, chief executive of Murray Energy, one of the largest coal companies in the country, was leading a pro-coal campaign on the Trump administration. He had sent a similar plan to Vice President Mike Pence as well as then-EPA head Scott Pruitt.

Details of the plans and emails were discovered in documents obtained through the Freedom of Information Act by E&E news.

The plan had 17 bullet points, including cutting the EPA staff at least in half, because, according to Murray, "Tens of thousands of government bureaucrats have issued over 82,000 pages of regulations under Obama, many of them regarding coal mining and utilization. The Obama EPA, alone, wrote over 25,000 pages of rules, thirty-eight (38) times the words in our Holy Bible."

Murray also suggested withdrawing from the Paris climate accord because it "is an attempt by the rest of the world to obtain funding from our Country."

At the top of Murray's list was managing coal ash, the leftover waste power plants create from burning coal. Coal ash contains heavy metals including arsenic, lead and mercury that can be harmful to your health.

The plan stated that the relevant regulation needed to be rewritten "delegating the authority to the states."

Murray presented drafts of six proposed presidential executive orders, including one aimed at deregulating coal ash. The draft read, "the states should be authorized to develop and enforce their own plans for disposal of coal combustion residuals ... rather than the USEPA."

This week, as one of his first major acts at the EPA, Wheeler signed and finalized new standards overseeing coal ash.

It's a revision of 2015 regulations put into place by the Obama administration after two significant industrial coal ash spills. The regulations now put more authority in the hands of states to regulate their own waste.

Most significantly, under the original version of the regulations, companies had to provide annual groundwater monitoring results. Under the new revisions, if the plant is able to prove that it isn't polluting the aquifer, it is no longer required to monitor. Provisions that previously required assessments from professional engineers were also struck.

The revised rules "provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected," Wheeler said in a statement. "Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs."

Critics of the new coal ash rules say they are a gift to industry and a continued burden for those communities near coal ash sites.

"These rules will allow yet more tons of coal ash, containing toxics like arsenic and mercury, to be dumped into unlined leaking pits sitting in groundwater and next to rivers, lakes and drinking water reservoirs," said Frank Holleman, a senior attorney with the Southern Environmental Law Center, referencing the finalized coal ash rules.

"These rules also substitute politics for science by allowing action to be taken based on certification by a politically appointed agency director instead of a licensed practicing engineer."

"It is now apparently the goal of EPA to save industry money by allowing them to continue to dump toxic waste into leaking pits, which is exactly what the new rule accomplishes," said Lisa Evans, an attorney with the nonprofit environmental law group Earthjustice.

CNN Chief Medical Correspondent Dr. Sanjay Gupta requested to speak with Wheeler about the impact of his lobbying experience on his new position but was declined.

One of the largest sources of industrial waste

Coal ash is one of the most-generated forms of industrial waste in the country. According to the American Coal Ash Association, about 110 million tons were generated last year.

The association says that about half of all coal ash produced in the United States is recycled into construction materials such as concrete or wallboard.

However, that leaves about 50 million tons of coal ash does not get repurposed, and instead needs to be disposed of every year.

Historically, when coal was burned, plants would send the ash out of smokestacks, creating dark plumes of smoke. Now, scrubbers and filters collect much of the ash. It may not escape into the air anymore, but it does have to go somewhere.

So, power plants often mix the leftover ash with water and sluice it into unlined pits, where the ash settles to the bottom. In some places, these ponds have been dug into the groundwater table -- water that can be pulled up by private drinking wells, or that eventually makes its way into public drinking water sources. Many of these sites also sit along the banks of rivers, lakes and streams, where nothing more than earthen banks separate waste from freshwater.

According to the EPA, there are over 1,000 coal ash disposal sites across the country, many of them constructed in the 1950s and 1960s, well before any sort of regulations.

Holleman said he can't imagine a more precarious way to manage this waste.

"Millions of tons of industrial waste directly on the banks of major drinking water reservoirs that serve hundreds of thousands of people," he said, "that's a recipe for disaster."

Two serious incidents

In the past decade, there have been two major coal ash spills in the United States. In 2008, a break in a dam at the Tennessee Valley Authority's Kingston power plant sent over a billion gallons of coal ash cascading into the Clinch River. The black sludge blanketed over 300 acres, inundating the area around Kingston. The spill destroyed three homes and damaged a dozen others. Scientists found fish contaminated with high levels of arsenic and selenium months after the spill.

In 2014, a corroded pipe at Duke Energy's Dan River steam station in North Carolina sent up to 39,000 tons of coal ash flooding into nearby waters. The black sludge made its way 70 miles downstream. Today, the state still warns against eating some fish from the river because of high mercury levels.

A year after the Dan River spill, the EPA enacted the first set of comprehensive regulations overseeing coal ash. Among the requirements: Coal ash sites were to be monitored for structural integrity, coal-burning utilities had to conduct and publish groundwater monitoring results for the first time, and ponds that were found to be contaminating groundwater in excess of allowable limits, or that were structurally faulty, were to be closed following specific guidelines.

Closing a coal ash pond can involve one of two methods approved by the EPA. The water can be drained out of the pond and a liner put over the top, which is known as "cap in place." The other method involves completely excavating the entire pond and ash, drying the ash, and then moving it into a lined container. Environmentalists prefer the latter method of excavation, saying that it ensures that there is a barrier to protect groundwater, but power companies say that this is a much more costly method involving transport of the ash and additional labor, among other expenses. And those expenses, they say, would be passed on ultimately to customers. Industry argues that if the ponds aren't showing to be leaking, there should be no need to move them.

'Localized' impact

This past March was the EPA's deadline for utilities nationwide to publish the first set of national groundwater monitoring results. The findings were striking, showing contamination at coal ash sites across the country.

"This is a pretty wide phenomena across the country with hundreds of sites, all showing them leaking," said Avner Vengosh, a professor of Earth and ocean sciences at Duke University.

At Indianapolis Power & Light Co.'s Harding Street Station, for example, levels of arsenic in some parts of the plant were found to be more than 40 times higher than federal drinking water standards. In North Carolina, levels of radium were found anywhere from 2.5 times greater to 38 times greater than federal drinking water standards.

In both of these situations, the wells tested are directly at the coal ash sites. Environmentalists worry that these contaminants could eventually leach into nearby groundwater sources.

The Edison Electric Institute, a trade group representing the industry, said in a statement that "Company reports contain initial data, and it is premature to use these results to predict any impacts to drinking water or public safety. These initial data now must be analyzed and assessed further."

Duke Energy spokeswoman Erin Culbert told Gupta that there is no indication from testing or modeling that any of the contamination from Duke Energy's facilities is reaching drinking water.

"The area of impact that you see around the ash basins is really localized between the ash basin and the local river or lake," she said.

Vengosh said that's not a reassurance. "The fact that (the contaminants) have arrived in the aquifer is the key," he said. "Even if they aren't affected now, they can be affected in the future."

When a contaminated well is found, it is simply too late, he said.

Living amid coal ash

The threat of a potential contaminant lingers in many communities neighboring coal ash sites, despite reassurances that industry testing shows that water sources are safe at the moment.

For many people in these communities, coal ash is a bogeyman.

Public health experts say that the elements found in coal ash -- heavy metals like arsenic, lead, and mercury -- can pose serious health risks. According to the EPA, exposure to coal ash waste "can cause severe health and environmental problems in the form of cancer and non-cancer risks in humans, lowered IQ among children, and deformities and reproductive harm in fish and wildlife. Many of these pollutants, once in the environment, remain there for years."

They note that "some minority and low-income communities" are at an even greater risk due to their "close proximity to these discharges and relatively high consumption of fish."

But it's challenging to tease out exactly how much coal ash people have been exposed to, at what levels, and how they were exposed, possibly by inhaling coal ash dust or drinking contaminated water. To complicate it further, the coal ash itself can have different levels of element concentrations depending on where the coal was sourced.

Tracey Brown Edwards remembers growing up next to Duke Energy's Belews Creek Steam Station in Walnut Cove, North Carolina. The plant's coal ash pond sat next to Belews Lake, a recreational lake used for fishing and swimming north of Winston-Salem.

Edwards describes an idyllic childhood in the town of about 1,000 people, a place where kids played outside all day and picked fruit off trees when they were hungry. Growing up, they didn't think much about the plant, but she remembers how soot from the power station was always around: in the air, on plants, on rooftops and on cars. "You could actually write your name in the dust that was set on the vehicles," she said.

Edwards, 44, has had three strokes and a heart attack, which left her temporarily paralyzed on her right side. She can't help but wonder whether Duke Energy had something to do with her health and that of her neighbors.

"There's been a lot of young people with cancer, certain kinds of cancers, brain cancer, stomach cancers, breast cancer," she said. In her small block of five homes, four of the families have been hit by cancer. Her doctors can't say it is related to coal ash, but they also can't rule it out.

Danielle Bailey-Lash, 43, has lived in Walnut Cove since she was 13 and couldn't imagine raising her family anywhere else. When she and her husband married, they settled in a house on the lake. She has fond memories of growing up there, fishing and eating from the lake, and swimming in the water. It was a "dream location; it had everything we needed," she told Gupta.

But in 2009, Bailey-Lash began experiencing headaches that became so severe, she had to go to the hospital the following year. Doctors found a tumor the size of a juice box just above her right ear. She was diagnosed with stage 3 astrocytoma, a form of brain cancer, and her doctors said she just had months to live. She underwent

chemotherapy and radiation, and today, she has no trace of cancer. The diagnosis is still a shock to her, she never smoked and had no history of the disease in her family.

Her doctors can't make any conclusions about what contributed to the disease, but when Gupta asked what she thought, she answered confidently: "I'm 100% sure I know what caused it: Duke Energy."

While an EPA draft report found that people who lived within a mile of a coal ash pond had an increased risk of cancer from drinking arsenic-contaminated water, there are very few studies that explore the direct relationship between coal ash and cancer. A North Carolina state assessment of cancer incidences by county didn't find a higher incidence of cancer in counties with coal ash sites.

But, critics say the analysis didn't narrow down to neighborhood levels.

Trying to find answers

Drilling down on those kind of numbers and connections is a challenge.

"For epidemiology, it's very difficult to address coal ash questions because of the scattered nature of coal ash," said Mary Fox, co-director of the Risk Sciences and Public Policy Institute at Johns Hopkins.

Cancers in particular are difficult to pin down. Nationally, the rate of cancer in adults is quite high: According to the American Cancer Association, one in three adults will be diagnosed with any type of cancer in their lifetime. On top of that, the disease has a latency period up to 30 years or more, which could mean a host of factors could contribute to potential exposures. And children are particularly vulnerable, simply because they have smaller systems to process the exposure.

Lisa Bradley, a toxicologist who serves on the board of the American Coal Ash Association, an industry group with members that work for various coal ash producers, said that the EPA's measurements for risk are extremely conservative, looking at cancer risk rates calculated at between 1 in 10,000 and 1 in 1 million chances.

None of that brings relief to Andree Davis, who lives next door to the Belews Creek plant. The soil on her property was tested by the University of North Carolina's Superfund Research program and found to have levels of arsenic above EPA thresholds. She said she began breaking out in lesions and sores from showering at home and has resorted to bathing at friends' homes and a local hotel.

She hasn't seen a doctor about the sores because she's concerned about the cost.

Davis wants to move, but she asks angrily, who would buy her house? "Nobody wants to buy it, because everybody's aware of our situation with the coal ash contamination," she said.

Culbert said that Duke has been a conscientious neighbor and has been monitoring groundwater impacts for the past decade.

"We do know from monitoring data that we started taking about a decade ago that there are localized groundwater impacts immediately near the ash basins. So while they have some groundwater impacts near them, we know from

this network of monitoring wells that it's not impacting neighbors offsite in terms of their private drinking wells and their water supplies that their families rely on."

Duke Energy is also offering to compensate those neighbors who live within half-mile of the plant and can prove that they sold their homes for less than market value because of their proximity to the plant; Duke promises to bring them up to "fair market value," a similar home in a neighboring area that is outside of the half mile radius. Those sellers have to sign a waiver stating that they will ask for no further compensation and prevents the owners from suing for any health claims related to the groundwater.

Industry interests

Industry has been actively trying to revise the standards since President Trump came into office. Aside from efforts from Murray Energy, the Utility Solids Waste Activities Group, an industry organization representing more than 110 utility groups, sent a petition to the agency, challenging the 2015 regulations on coal ash containment. It called the regulations too rigorous and costly.

According to the letter, the rule resulted "in significant economic and operational impacts to coal-fired power generation," claiming that it was such a burden that "the economic viability of coal-fired power plants is jeopardized."

When the EPA announced the initial set of rule changes this week, the EPA highlighted the \$30 million in annual cost savings.

"Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs," Wheeler said in a statement.

"This action provides the regulatory certainty needed to make investment decisions to ensure compliance and the continued protection of health and the environment," said Jim Roewer, executive director of the Utility Solids Waste Activities Group.

In the announcement this week, the EPA said it expects to make more revisions to the original 2015 coal ash regulations in the coming year.

How much is a savings of \$30 million? Duke Energy alone made more than \$3 billion in profit last year.

Industry trade groups such as the Utility Solids Waste Activities Group argue that empowering states isn't a rollback but rather a way to better tailor to the needs of each site. "We believe [states] are in a better spot to look at local issues. The folks at the state regulatory agencies have a much better feel for the issues at hand," Roewer said.

Richard Kinch, a member of the National Ash Management Advisory Board, an independent body that advises Duke Energy, and one of the primary authors of the original 2015 regulations, agreed that the states are in a better position to regulate the waste. It's the approach the EPA has traditionally taken with waste management, he said.

But Kinch, who worked on the agency's coal ash issues during his 41-year career at the EPA, noted that leaning on states also requires trust. "Maybe there are people that don't feel they trust states and that states will be inappropriate in their actions," he said.

And that's precisely what the Southern Environmental Law Center's Holleman is concerned about. He said that until the 2015 regulations were enacted, coal ash waste was in the hands of the states -- and that record is far from sterling.

"It's just really putting us back to where we were when the Kingston Coal Ash facilities spilled open into the Clinch River in Tennessee," he said.

"When you boil all these changes down, what they do is relieve the utilities one way or another from the obligation of having to clean up these sites based on the groundwater contamination that has been proven at them across the country."

Energy News

Georgia next in line for EPA approval on state coal ash permit program

<https://energynews.us/2018/07/23/southeast/georgia-next-in-line-for-epa-approval-on-state-coal-ash-permit-program/>

Posted: July 23rd, 2018 By: Gillian Neimark

Environmental groups say the rush to let states regulate coal ash has lacked transparency or public input.

Georgia hopes to follow Oklahoma and become the second state to win federal approval to regulate coal ash disposal on its own.

"We're working very diligently with the EPA to get a state-run program in Georgia," says Jeff Cown, chief of the Land Protection Branch for the Georgia Environmental Protection Division.

The U.S. Environmental Protection Agency has regulated coal ash disposal since October 2015, following a devastating 2014 spill that sent 39,000 tons of toxic ash into the Dan River in North Carolina.

Last summer the agency announced it was open to delegating that authority back to states, and Oklahoma last month became the first to win approval under that program to manage coal ash at the state level.

Scott Pruitt, the former Oklahoma attorney general who resigned last month as EPA administrator, said at the time that the decision "places oversight of coal ash disposal into the hands of those who are best positioned to oversee coal ash management: the officials who have intimate knowledge of the facilities and the environment in their state."

Coal-fired power plants produce 110 million tons of coal combustion residuals (CCR) a year. Georgia generates 6.1 million tons annually, and since 2015 it has also accepted nearly 7 million tons in total of coal ash from other states. Depending on where the coal is mined, it can contain a host of heavy metals including arsenic, lead and mercury that can leak into water supplies.

Cown said Georgia residents won't need to worry about that risk if the state's application is accepted. "Our regulations will be equal to or even more protective than the federal EPA rules, which currently run over 500 pages."

But environmental groups say it's too soon to know what impact a shift to state regulation would have because of a lack of transparency and time for public comment in the application process.

"Delegated programs are very common under the EPA," said Lisa Evans, an attorney specializing in hazardous waste law at Earthjustice, a nonprofit environmental law organization. "But I don't know of another major delegated program that doesn't take steps to guarantee a meaningful public role in establishing regulations."

Evans said there are ground rules on what an application should look like, how to post that application and what the public participation rules will be. "The EPA skipped those steps with coal ash. They were in such a hurry under (former EPA Administrator Scott) Pruitt to approve state programs."

In order to view Georgia's application, which was submitted in April 2018, Earthjustice had to file a Freedom of Information Act request. The group only received access to the 387-page document this month.

"This will take many weeks to review," Evans said. "The application process for state coal ash programs is being conducted behind closed doors. These materials should have been made available for the public to review in a timely manner."

An EPA guidance document in August 2017 outlined six provisions that would allow states or EPA the ability to incorporate "flexibilities" into their coal ash permit programs. These kinds of documents alert the public to how a rule might be implemented or enforced.

"These flexibilities had often been loopholes meant for municipal solid waste landfills," said Frank Holleman, senior attorney at the Southern Environmental Law Center. "They involved mostly household waste, not industrial waste."

Citizens and environmental groups were given 30 days to comment on the guidance document, Evans said. "We asked for 60 days and they agreed," she said, "but on the 29th day, as I was leaving the office, I got a call that they had rescinded the extra time and I had until midnight."

Earthjustice and other advocacy groups protested and took the full 60 days anyway, she said. The EPA later agreed to include the comments.

State regulation of coal ash, like that approved for Oklahoma, marks the EPA's continuing shift toward more state responsibility and less federal oversight of coal ash, overhauling the Obama administration's 2015 rules.

Meanwhile, the agency is revising the 2015 federal rules, finalizing the first phase of changes last week. The revisions allow states to suspend groundwater monitoring in some cases. They also allow state officials rather than professional engineers to offer technical certifications, and to delay compliance dates for the closure of leaking coal ash ponds and ponds within five feet of groundwater.

If Georgia and other states are approved to regulate coal residuals, Holleman said, it may be more difficult to enforce regulations. Under the current law, coal ash is not defined as hazardous waste, but citizens and environmental groups can sue utilities in order to require them to comply with regulations.

“Right now, a citizen can file a notice of intent to bring a lawsuit. There is a 60-day waiting period. If the utility does not act within 60 days to enforce the regulations, then the citizen can file an enforcement action in the district court,” he said.

Once a state agency is in control, Holleman said, the process will be more onerous and costly. If state agencies write an inadequate permit that does not contain protections, citizens will have to contest it through a state administrative law proceeding. “They will have to do that before they even start trying to enforce the law against the utility,” Holleman explains, “and there may be years of free pollution and violations.”

At Oklahoma public meetings in 2016, Department of Environmental Quality official Jeffrey Shepherd noted that the department “has been told by industry that complying with the state rules may offer some protection from citizen suits.”

Under current federal regulations, permits for coal combustion residuals have no expiration dates, and Evans worries states won’t regularly review permits.

“All coal ash ponds and landfills leak hazardous chemicals,” she said. “Thus Georgia, and every state, must regularly re-examine coal ash disposal permits to determine whether dump sites are being operated in a safe, protective and responsible manner.”

Cown said the state would have authority to revoke a permit if a utility is noncompliant. “Rule making is always a balance between protection and cost, and we believe we’ve offered a balanced rule.”

With former coal lobbyist Andrew Wheeler heading the EPA, advocates expect state applications to continue to be approved. Texas has also applied to regulate coal ash, and Evans expects other coal-reliant states to follow suit.

Times

EPA Rollback of Coal Ash Regulations Could Significantly Impact Little Blue Run

<http://www.timesonline.com/news/20180721/epa-rollback-of-coal-ash-regulations-could-significantly-impact-little-blue-run>

Posted: July 21st, 2018 @ 4:00am (updated July 21st, 2018 @ 9:29pm) By: Jared Stonesifer

The Environmental Protection Agency on Wednesday enacted sweeping rollbacks on environmental regulations for coal ash impoundments, a decision that could have significant ramifications for the Little Blue facility in western Beaver County.

Wednesday’s decision revises rules implemented in 2015 under former President Barack Obama’s administration. Put simply, the revisions will put more power back into the hands of state governments and the energy industry when it comes to regulating coal ash waste sites.

Energy industry officials and lobbyists had been petitioning the EPA to change the rules since President Donald Trump came into office.

In a news release, Acting EPA Administrator Andrew Wheeler said the revisions will provide more “flexibility” for states and utilities, and could save those entities upward of \$31 million annually in “regulatory costs.”

“These amendments provide states and utilities much-needed flexibility in the management of coal ash, while ensuring human health and the environment are protected,” Wheeler said. “Our actions mark a significant departure from the one-size-fits-all policies of the past and save tens of millions of dollars in regulatory costs.”

Specifically, the revisions would allow states to suspend mandatory groundwater monitoring at coal ash sites, if it’s been proven there are no leaks or contaminants present.

Another revision allows for the extension of deadlines for power companies to close and clean-up coal ash sites, while another would give power to state officials to determine compliance issues instead of professionally-licensed engineers.

Jennifer Young, a spokeswoman for FirstEnergy Corp., said company officials are still digesting the implications for the new rules. FirstEnergy owns Little Blue, as it does the Bruce Mansfield coal-fired power plant that, for decades, has disposed of its coal waste at the site in Greene Township.

Little Blue, which straddles the border between Beaver County and West Virginia, is a 900-acre site that opened in the 1970s. The state Department of Environmental Protection ordered the facility closed at the end of 2016, though remediation and closure activities at the site won’t cease until 2029.

In the years leading up to Little Blue’s closure, it handled about 2.5 million tons of coal ash annually. Because of Little Blue’s closure, FirstEnergy now ships its coal ash via barge to a site in Moundsville, W.Va.

On Thursday, Young said the company’s first impression of the revisions is a positive one.

“We think the revised groundwater constituent screening levels are more reasonable for assessing the quality of groundwater beneath our sites,” she said. “In addition, adjusting some closure deadlines to align with potential changes to the Effluent Limitations Guidelines Rule will help with planning and budgeting for effective compliance measures.”

Young added that company officials will continue to review the revisions to determine any further impacts on Little Blue.

While Wednesday’s decision was largely praised by industry officials, it has been derided by a bevy of environmental advocacy groups.

Lisa Hallowell, a senior attorney with the Environmental Integrity Project, in a news release attacked the Trump administration for its environmental rollbacks.

“This indefensible gutting of our nation’s first-ever coal ash pollution control rule cements the shameful environmental legacy of the Trump administration,” she said. “Today’s action opens the door for weakened monitoring and cleanup standards, which means — in no uncertain terms — that the public and the environment on which we all depend will be in harm’s way.”

In addition, a deputy legislative director for the Sierra Club said her organization will not allow the administration to give “carte blanche to well-funded polluters that threaten the water of thousands of communities across our country with their toxic coal ash.”

“We’ll use every means we have to beat back this latest attempt to weaken basic clean water protections for working families, farmers, and outdoor businesses — whose lives and livelihoods are being threatened by coal ash every day,” Dalal Aboulhosen said. “Our work will not be completed until every coal ash pit is properly secured and every local resident has access to an online monitor that confirms it.”

The EPA said Wednesday that the new regulations will be effective in 30 days. The agency also said it intends to propose additional changes to the 2015 rule later this year.

EPA Spending Bill

Water Finance and Management

House Approves EPA Spending Bill

<https://waterfm.com/house-approves-epa-spending-bill/>

Posted: July 23rd, 2018 By: WFM Staff

The House of Representatives has approved FY19 appropriations legislation that would provide funding for the U.S. Environmental Protection Agency (EPA) next year. The bill as approved by the House would facilitate billions of dollars’ worth of low-cost water infrastructure loans.

The bill, an Interior and Environment Appropriations bill, contains a total of \$35.3 billion in funding for programs that protect and make the best use of domestic natural resources, that provide investments in infrastructure such as improvements for drinking water systems, and that help protect against and fight devastating wildfires. The bill also makes strides to rein in harmful regulations at the Environmental Protection Agency (EPA).

The appropriations legislation would deliver just over \$8 billion to EPA, a figure that includes \$1.013 billion for the Drinking Water State Revolving Fund (SRF) and \$1.543 billion for the Clean Water SRF. While the amounts provided for each SRF are \$150 million below each program’s FY18 funding levels, they would still represent appropriations well above what each program has typically received in recent years. The legislation includes a provision that would continue to apply “Buy America” restrictions for iron and steel products used on projects funded in whole or in part with SRF funds.

The bill also includes a total of \$77 million for EPA’s Water Infrastructure Finance and Innovation Act (WIFIA) program, which provides low-cost financing for large-scale drinking water and wastewater infrastructure projects. The bill’s WIFIA funding includes \$67 million that could be leveraged into more than \$8 billion worth of loans to communities, plus an additional \$10 million to help EPA administer the program. Lawmakers had originally written the bill to give EPA \$8 billion in administrative funds for WIFIA, but an amendment adopted on the House floor boosted that sum by \$2 million.

“These bills fund vital programs across the federal government, including those that make Americans safer, protect our nation’s resources, and create jobs, especially in America’s small businesses. The package targets resources to programs that will help boost economic growth and opportunity, protect consumers and investors, promote an

efficient federal court system, and help stop financial crime,” House Appropriations Committee Chairman Rodney Frelinghuysen said.

Other amendments adopted on the House floor would direct funding to EPA to carry out the next Clean Watersheds Needs Survey and provide an additional \$10 million to support an EPA grant program aimed at helping communities replace lead service lines.

According to the Association of Metropolitan Water Agencies (AMWA), the Senate could begin consideration of its own FY19 EPA funding bill as soon as this week. That bill, as approved by the Senate Appropriations Committee, would provide slightly higher SRF funding than the House-passed measure, but slightly less WIFIA funding.

Ozone

Tri-City Herald

Ozone Pollution Alerts May Be the New Normal for Tri-Cities. One Starts Sunday

<https://www.tri-cityherald.com/news/local/article215281375.html>

Posted: July 21st, 2018 @ 12:21pm (updated July 21st, 2018 @ 12:36pm) By: Annette Cary

KENNEWICK, WA - Sunday may not be the best day to mow your lawn.

If you were thinking of making a coffee run, take the time to go inside to order rather than idling in the drive-through.

And you might want to wait until this evening to gas up your car for the coming work week.

Taking extra precautions when unhealthy ozone levels are forecast for the Tri-Cities may be the new normal.

The Washington State Department of Ecology has its eye on a forecast for hot weather and a light breeze from the north that may increase ozone generation and trap it along the Horse Heaven Hills as it builds up Sunday through Monday and possibly Tuesday.

Smoke from wildfires also has been linked to spikes in Tri-City ozone levels.

Ozone in the Earth’s upper atmosphere is good, shielding people from harmful ultraviolet radiation.

But high levels near the ground are a health hazard. Ozone can aggravate asthma, inflame and scar lung tissue, and make people more susceptible to bronchitis and pneumonia.

Children, the elderly, people with lung disease and those who work hard or exercise outdoors are most at risk.

After finding unhealthy ozone levels in the Tri-Cities air in 2015 that were nearly as high as those downwind of Seattle, the Department of Ecology launched a study with support from the Benton Clean Air Agency.

The average for 2015 through 2017 exceeded the federal regulatory limit for ozone, which could trigger sanctions from the U.S. Environmental Protection Agency.

The sanctions likely would hit the local economy. They could make getting air quality permits more difficult for new or expanding businesses, or require them to invest in projects that would offset their contribution to the ozone problem.

Representatives of Tri-City-area government agencies, the Department of Ecology, the Benton Clean Air Agency and Ben Franklin Transit met Thursday to start hashing out a strategy.

The consensus was the community needs to be proactive, said Ranil Dhammapala, atmospheric scientist for Ecology's Air Quality Program.

The expectation is that EPA should look favorably on the Tri-Cities if it is already taking steps to reduce ozone, he said.

Local agencies will move ahead with two working groups to develop strategies to promote reducing ozone. One will focus on transportation and the other on industry and growth.

The Environmental Protection Agency recommends waiting until evening to use gas-powered lawnmowers on days when ozone levels are expected to be high. Children, the elderly, people with lung disease and those who work hard or exercise outdoors are most at risk.

Ozone is created when nitrogen oxide and volatile organic compounds mix and then bake in sunlight on hot days.

In the Tri-Cities light breezes from the north carry pollutants in the air until they dam up against the Horse Heaven Hills, trapping the pollution and baking them in the heat to create ozone.

The chemicals that create ozone can come from the exhaust of motor vehicles and gasoline vapors. They also can come from industrial facilities.

Avoid excess idling of cars, particularly on days where high ozone levels are expected, recommends the Environmental Protection Agency.

The Tri-Cities is technically out of compliance with federal regulations now, but it won't be legally noncompliant until the EPA next reconsiders its designation for the area.

If EPA follows the schedule it historically uses, it will reconsider whether the Tri-Cities is in compliance with ozone levels in 2022.

Because federal standards are based on an average of the highest ozone days each year, reducing activities that can lead to ozone production on days when ozone levels are expected to be high can help the Tri-Cities' standing with the EPA.

The EPA recommends avoiding excessive idling of cars, postponing car trips and deferring lawn work that uses gasoline-powered equipment until evening. Cars should be refueled in the evening when it is cooler because gasoline fumes escape when a car is filled.

Wastewater

Kallanish Energy

EPA, New Mexico to Look at Drilling Wastewater Re-use

<http://www.kallanishenergy.com/2018/07/23/epa-new-mexico-to-look-at-drilling-wastewater-re-use/>

Posted: July 23rd, 2018

The U.S. Environmental Protection Agency has entered into an agreement with the state of New Mexico to clarify existing regulatory and permitting rules related to the way wastewater from oil and natural gas drilling can be re-used, recycled and renewed for other purposes, Kallanish Energy reports.

Under the new Memorandum of Understanding, a workgroup will be convened to develop a white paper that synthesizes existing regulatory framework under federal and state law in New Mexico and identifies potential opportunities for treated produced water for beneficial use.

The goal through the federal-state partnership is to create new opportunities to provide safe water to water-scarce communities, officials said.

"While underground injection certainly has its utility and place, alternatives are available that treat wastewater from oil and natural gas extraction for re-introduction into the hydrologic cycle which is especially important in arid areas suffering from drought like New Mexico," said EPA spokesman David P. Ross, in a statement.

New Mexico is the third-largest oil-producing state in the U.S. In 2017, it produced a record 470,000 barrels of crude oil per day from the Permian Basin and other locations.

In 2017, New Mexico produced about 900 million barrels of wastewater, most of which was disposed of in underground injection wells, permanently removing it from the hydrological cycle.

"New Mexico is currently the third largest oil producer in the United States and that oil is accompanied by even larger quantities of water. Clarifying the state and federal regulatory frameworks associated with its recycling and reuse is of the utmost importance," said New Mexico's Energy, Minerals and Natural Resources cabinet secretary Ken McQueen, in a statement.

"Reuse of this water in appropriate applications has the potential to relieve the growing demand on our ground and surface water sources. For that reason alone, this effort makes absolute sense," said New Mexico State Engineer Tom Blaine.

For more information, go to www.epa.gov/eg/study-oil-and-gas-extraction-wastewater-management.